

In The Matter Of:

*Edgewood High School of the Sacred Heart, Inc. v.
City of Madison, Wisconsin, et al.*

*Deposition of Susan L. VanderSanden
August 17, 2022*

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<p style="text-align: center;">UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WISCONSIN</p> <hr/> <p>EDGEWOOD HIGH SCHOOL OF THE SACRED HEART, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs- Case No. 21-cv-00118</p> <p>CITY OF MADISON, WISCONSIN, et al.,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p style="text-align: center;">Deposition of SUSAN L. VANDERSANDEN,</p> <p>taken at the instance of the Defendants, under and pursuant to Section 804.05 of the Wisconsin Statutes, before Peggy S. Christensen, RPR, CRR, a Notary Public in and for the State of Wisconsin, at Boardman & Clark LLP, One South Pinckney Street, Suite 401, Madison, Wisconsin, on August 17, 2022, commencing at 8:59 a.m. and concluding at 11:09 a.m.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1</p> <p>2 Examination: Page</p> <p>3 By Mr. Jean-Louis 4</p> <p>4 By Mr. Ingrisano 66</p> <p>5</p> <p>6</p> <p>7 Exhibits Identified: Page</p> <p>8 117 Rezoning Application packet for the 32 SW Corner of the Lacy Road/Seminole Highway 9 intersection</p> <p>10 118 8/28/2012 Email chain between Maggie 32 Balistreri-Clarke, Michael Guns, Doug 11 Hursh, Jody Shaw, Scott Flanagan, and 12 Susan Serrault, Subject: Edgewood Master Plan</p> <p>13 119 2/19/2013 Email chain between Susan 39 Serrault and Judd Schemmel, Doug Hursh, 14 and Tami Holmquist, Subject: Green Space 15 Plan - Master Plan, with attached diagram</p> <p>16 120 Emailed Meeting Invitation for the May 51 17 Neighborhood Liaison Committee Meeting, 18 with attached 4-14-2015 draft meeting 19 minutes</p> <p>20 (The original exhibits were attached to the original 21 transcript and PDFs were provided to counsel)</p> <p>22</p> <p>23</p> <p>24 (The original transcript was filed with 25 Attorney Sarah A. Zylstra)</p>
<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 GODFREY & KAHN, S.C., by MR. JONATHAN INGRISANO, 4 833 East Michigan Street, Suite 1800, Milwaukee, Wisconsin 53202, 5 appeared on behalf of the Plaintiff.</p> <p>6</p> <p>7 BOARDMAN & CLARK LLP, by MR. TANNER G. JEAN-LOUIS and MS. SARAH A. ZYLSTRA, 8 One South Pinckney Street, Suite 410, Madison, Wisconsin 53701, 9 appeared on behalf of the Defendants.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 SUSAN L. VANDERSANDEN, called as a</p> <p>2 witness, being first duly sworn, testified on</p> <p>3 oath as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 By Mr. Jean-Louis:</p> <p>7 Q Could you state your full name for the record,</p> <p>8 please.</p> <p>9 A Susan Lynn VanderSanden.</p> <p>10 Q And how do you spell that?</p> <p>11 A V-a-n-d-e-r-S-a-n-d-e-n.</p> <p>12 Q Okay.</p> <p>13 A First is S-u-s-a-n. Middle is L-y-n-n.</p> <p>14 Q Have you ever given a deposition before?</p> <p>15 A No.</p> <p>16 Q Or testified in a trial before?</p> <p>17 A No.</p> <p>18 Q Okay. So I'll just explain a little of how it</p> <p>19 works. I'm going to be asking you questions, and</p> <p>20 you just need to give an answer.</p> <p>21 You're under oath. If at any point you don't</p> <p>22 understand my question, you can ask me to restate</p> <p>23 it or to rephrase it. And if you answer the</p> <p>24 question, I'm going to assume that you understood</p> <p>25 it.</p>

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<p>1 A Okay.</p> <p>2 Q If at any point you want to take a break, just</p> <p>3 let me know, and it's usually not going to be a</p> <p>4 problem unless there is a question pending.</p> <p>5 What's your date of birth?</p> <p>6 A November 10, 1974.</p> <p>7 Q Okay. And what's your address?</p> <p>8 A 2339 White Oak Trail, Oregon, Wisconsin 53575.</p> <p>9 Q Okay. Any plans to move in the next year?</p> <p>10 A No.</p> <p>11 Q Okay. Are you represented by counsel today?</p> <p>12 A No.</p> <p>13 Q Okay. What did you do to prepare for this</p> <p>14 deposition?</p> <p>15 A I had talked with Sarah and I had talked with Jon</p> <p>16 briefly regarding what today would be, but that's</p> <p>17 it.</p> <p>18 Q Okay. And what did you discuss with Jon?</p> <p>19 A Basically what this would be. It's the first time</p> <p>20 I've been deposed, so I had questions about,</p> <p>21 you know, how does this go.</p> <p>22 Q Uh-huh.</p> <p>23 A So it was very brief, very basic.</p> <p>24 Q Okay. Did he address any topics that might be</p> <p>25 gone over in the deposition?</p>	<p>1 Q And what were your responsibilities?</p> <p>2 A Admin. So running the department's help desk,</p> <p>3 answering phones, coordinating move out, move in,</p> <p>4 work with commencement, you know, basic facilities</p> <p>5 for a college.</p> <p>6 Q And how long were you in that position?</p> <p>7 A I was in that position until December 1 of 2011</p> <p>8 when I was promoted to the director of the</p> <p>9 department.</p> <p>10 Q Is that your current position?</p> <p>11 A It is.</p> <p>12 Q And what are your responsibilities as the director?</p> <p>13 A I oversee maintenance, landscaping/grounds,</p> <p>14 custodial, our dining service contract provider.</p> <p>15 I serve as basically -- those are the three big</p> <p>16 things that I manage.</p> <p>17 Q Do you manage other contract providers?</p> <p>18 A No. I mean, as it relates to like our Waste</p> <p>19 Management contract, you know, things that we have</p> <p>20 standing contracts, Building Controls, things like</p> <p>21 that, but that would be it.</p> <p>22 Q Okay. Before you worked for Edgewood College,</p> <p>23 what was your previous employment?</p> <p>24 A I worked for D'Onofrio Kottke, which was a civil</p> <p>25 engineering firm, and I did office management for</p>
Page 6	Page 8
<p>1 A Yes. Both Sarah and Jon have addressed topics</p> <p>2 that we would go over.</p> <p>3 Q Okay. And what topics did Jon mention?</p> <p>4 A We talked about the two basics, the athletic field</p> <p>5 in Fitchburg that Edgewood College is pursuing --</p> <p>6 Q Okay.</p> <p>7 A -- and then my role with the Neighborhood Liaison</p> <p>8 Committee, when that was still intact.</p> <p>9 Q Okay. Any other topics?</p> <p>10 A Those were the two, yes.</p> <p>11 Q Did he give you any documents to look at?</p> <p>12 A No.</p> <p>13 Q Okay. Are you currently employed?</p> <p>14 A Yes.</p> <p>15 Q And where are you employed?</p> <p>16 A Edgewood College.</p> <p>17 Q And how long have you worked for Edgewood College?</p> <p>18 A My hire date was June 30 of 2008.</p> <p>19 Q Okay. And when you were originally hired, what</p> <p>20 was your position?</p> <p>21 A I was the assistant to the facilities operations</p> <p>22 department.</p> <p>23 Q And who was the director of the department at that</p> <p>24 time?</p> <p>25 A Kathy Henry.</p>	<p>1 them.</p> <p>2 Q And what years did you work there?</p> <p>3 A I was there for about five or six years, and then</p> <p>4 I immediately went to Edgewood.</p> <p>5 Q Okay. Did you go to college?</p> <p>6 A Yes.</p> <p>7 Q Where did you go to college?</p> <p>8 A I completed my degree at Edgewood College.</p> <p>9 Q And was that an undergraduate degree?</p> <p>10 A Correct.</p> <p>11 Q Do you have any graduate degrees?</p> <p>12 A I do not.</p> <p>13 Q Do you have any other certificates?</p> <p>14 A I have an associate's degree from a community</p> <p>15 college.</p> <p>16 Q Which community college?</p> <p>17 A Illinois Valley Community College.</p> <p>18 Q Are you from Illinois?</p> <p>19 A Yes.</p> <p>20 Q Okay. So you moved to Madison to take the job at,</p> <p>21 was it at D'Onofrio or was that for Edgewood?</p> <p>22 A I moved here for my family.</p> <p>23 Q Okay. And what year did you move to Madison?</p> <p>24 A I've been in Madison for about 25 years.</p> <p>25 Q Okay. And what was your undergraduate degree in?</p>

<p style="text-align: right;">Page 9</p> <p>1 A It is organizational behavior from Edgewood 2 College. Organizational behavior and development. 3 Q And what year did you graduate? 4 A 2011, I believe. 5 Q Okay. Did you hold any employment positions 6 between graduating in 2011 and starting at the 7 engineering firm? 8 A Could you restate that? 9 Q Sorry. Did you hold any employment positions 10 between your graduation from Edgewood College and 11 starting at the civil engineering firm? 12 A I was working at Edgewood College since 2008. 13 So I completed my degree while I was an employee 14 at Edgewood College. 15 Q Okay. Did you take any courses in urban planning 16 in college? 17 A No. 18 Q Have you taken any courses or had any training in 19 law? 20 A No. 21 Q Okay. As a facilities director, are you familiar 22 with the college's space uses and space needs? 23 A Yes. 24 Q Have you ever had any formal position with 25 Edgewood High School?</p>	<p style="text-align: right;">Page 11</p> <p>1 A No. I mean, I don't understand the question. 2 Q Did you understand that the master plan could have 3 binding legal effects on any of the campus 4 institutions? 5 MR. INGRISANO: Objection. Form. 6 Calls for a legal conclusion. 7 A No. 8 Q Okay. And one thing I think I forgot to cover in 9 the beginning, when you give an answer, for the 10 benefit of the stenographer, try to give oral 11 answers because she can't record head shakes and 12 nods. 13 A Uh-huh. 14 Q Okay. So you said you were brought onto the 15 liaison committee toward the tail end. What was 16 your role on the liaison committee when you 17 joined? 18 A I was participating in it. I think we were 19 anticipating that there was going to be a 20 retirement from someone who had been a standing 21 member of the liaison committee, and so I was 22 brought in at that point. 23 Q Okay. And did you attend the Neighborhood Liaison 24 Committee meetings? 25 A I did.</p>
<p style="text-align: right;">Page 10</p> <p>1 A No. 2 Q You've never served on the board of Edgewood 3 High School? 4 A No. 5 Q Okay. Are you aware that the Edgewood campus 6 institution submitted a master plan to the city? 7 A Yes. 8 Q What was the purpose of the master plan, if you 9 know? 10 MR. INGRISANO: Objection. Form, 11 foundation. Go ahead. 12 A What was the question? 13 Q What was the purpose of the master plan, if 14 you know? 15 MR. INGRISANO: Objection. 16 Foundation. Go ahead. 17 A I don't know what the purpose was. We were at the 18 tail end of completing that master plan when I was 19 brought onto the liaison committee, so I don't 20 know what the purpose of it was. 21 Q Okay. Do you have any understanding as to what 22 the effects of the master plan was on the Edgewood 23 campus institutions? 24 MR. INGRISANO: Objection. Form, 25 foundation.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Did you ever meet separately with city officials? 2 A Maybe an alder on an occasion. 3 Q Okay. Do you recall which alder? 4 A Sara. 5 Q Sara Eskrich? 6 A Yes. 7 Q Okay. Did you provide any input on the contents 8 of the master plan? 9 A No. 10 Q Did you review drafts of the master plan as they 11 were being created? 12 A Yes. 13 Q Did you ever suggest changes to those drafts? 14 A No. 15 Q You didn't draft any portions of the master plan? 16 A No. 17 Q I'm showing you what has been previously marked as 18 Exhibit 52. And you can take a moment to flip 19 through and familiarize yourself. 20 A What section would you like me to -- 21 Q We'll not start at any particular section just for 22 now, but just kind of flip through it and see if 23 you recognize it. 24 A Oh, I clearly recognize it. 25 Q What is this document?</p>

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1 A The master plan.
2 Q Okay. Could you turn to page 33 as it's marked at
3 the top of the document, if you can see page
4 numbers at the top. What's this section called?
5 A Future Needs of Campus Institutions.
6 Q Okay. And do you see a subsection entitled
7 Edgewood High School?
8 A I do.
9 Q Okay. Could you read that section to yourself?
10 A Okay.
11 Q Does that section include any discussion of the
12 use of on-campus athletic facilities?
13 MR. INGRISANO: Objection. Form,
14 foundation.
15 Q Does that section that you just read, does it
16 include any discussion of the use by the
17 high school of on-campus athletic facilities?
18 MR. INGRISANO: Same objection.
19 A It clearly states external athletic facilities,
20 but I don't know that -- that's how I read it.
21 Q Okay. But you don't see anything about on-campus
22 athletic facilities?
23 MR. INGRISANO: Same objection.
24 A I can't specifically answer that.
25 Q You don't see anything?

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1 A No, because it refers to a capital campaign.
2 I don't know what's included in that capital
3 campaign. I don't work for the high school.
4 Q Okay. Now, if you could read to yourself the next
5 section entitled Edgewood College, and you can
6 keep reading through page 35 on the top.
7 A You wanted me to -- I'm finished.
8 Q Okay. If you could turn back quickly to page 33,
9 the beginning of the subsection with the bold
10 language that says Edgewood College, it begins,
11 "Edgewood College has identified five priorities
12 related to space needs to be addressed within the
13 next ten years."
14 And then on page 34 and 35 it looks like
15 there is a subsection called Residence Halls, a
16 Regina Hall Remodel and Eastern Expansion, with a
17 section on Athletics, the School of Business, and
18 Music. Do you understand those to be the five
19 priorities mentioned on page 33?
20 A Uh-huh.
21 MR. INGRISANO: Objection. Form,
22 foundation.
23 Ms. VanderSanden, we're going to be
24 getting into some areas where I'm going to be
25 objecting a lot, so I would ask you to please

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1 pause after the question so I can get my
2 objection in clearly. Okay?
3 THE WITNESS: Absolutely.
4 MR. INGRISANO: Thank you.
5 Q And what was your answer?
6 A What was the question again?
7 Q Do you understand those subsection titles I just
8 read to be the five priorities identified on
9 page 33?
10 MR. INGRISANO: Objection. Form
11 and foundation. Calls for speculation.
12 A For what's in the master plan at this time, yes.
13 Q Okay. So on page 35, the section that is titled
14 Athletics, that section begins, "Athletics and
15 fitness space is lacking in a number of respects.
16 First, the availability of the Edgedome is
17 severely limited by the shared use agreement with
18 the campus school. Most days during the school
19 year college students have access only before
20 8:00 a.m. and after 4:00 p.m. This pushes
21 practice times into the early morning and evening,
22 leaving very little time for use by nonathlete
23 students or for individual use by student
24 athletes." Did I read that language correctly?
25 A Yes.

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1 Q Based on your knowledge as Edgewood College's
2 facilities director and your involvement in the
3 master plan serving on the liaison committee, do
4 you believe that that language was accurate as of
5 September 22, 2014?
6 MR. INGRISANO: Objection. Form.
7 Mischaracterizes. She's the director of the
8 facilities operations department. Also
9 object to lack of foundation and calls for
10 speculation.
11 A Can you say the question again?
12 Q Yes. The section that I just read, do you believe
13 that that language in the master plan was accurate?
14 MR. INGRISANO: Same objection.
15 Form, foundation.
16 A My role at the college is to maintain and take
17 care of buildings and grounds.
18 Q Uh-huh.
19 A I don't have the knowledge of what the
20 college's -- I'm very removed from athletics, so I
21 don't know if it's accurate or not. What I do do
22 is maintain the athletic facility that we have to
23 the best that I can.
24 Q And when you say that you maintain it to the best
25 that you can, what do you mean by that?

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<p>1 A Making sure the roof is in good repair, making 2 sure that the gym floor is maintained, painting, 3 piping, all of the things that would go into 4 properly maintaining a building. 5 Q When you were serving on the liaison committee, 6 did the needs of the college for athletic 7 facilities and spaces for athletic uses, did those 8 come up in meetings that you attended? 9 A Can you say the question again? 10 Q When you served on the liaison committee, did the 11 needs of the college for athletic facilities and 12 spaces to use for athletic purposes, before the 13 finalization of the master plan, did those come up 14 in liaison committee meetings? 15 MR. INGRISANO: Objection. Form. 16 Mischaracterizes evidence. She was not on 17 the liaison committee prior to the 18 finalization of the master plan. 19 A There was -- One thing I do recall that was 20 discussed was there was a building that they were 21 planning. In the master plan they put properties 22 on, and one of the possible outcomes of use for 23 one of those buildings was athletics. But -- 24 Q And which building was that, if you know? 25 A It would have been the building that was on --</p>	<p>1 Q Do you know where Edgewood College holds its track 2 practices? 3 A I do not. 4 Q Could you turn to page 36 at the top. So before 5 the numbered paragraphs begin, the last 6 nonnumbered paragraph says, "The numbers below 7 correspond to those on the Campus Planned - Future 8 Building site plan that follows this list." Do 9 you see that? 10 A Uh-huh. Yes. 11 Q And if you look at the numbered paragraphs, the 12 first numbered paragraph describes an 80,000 13 square foot facility with two levels of parking 14 below. Do you see that? 15 A Yes. 16 Q If you could turn to page 39. Do you see at 17 the bottom left-hand corner where it says 18 Campus Plan - Future Buildings? 19 A Yes. 20 Q And do you see the numbered list on the right-hand 21 side? 22 A Yes. 23 Q And do you believe that that is the numbers that 24 are being referred to on page 36 where it says, 25 "The numbers below correspond to those on the</p>
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<p>1 I can't remember the site, but the DeRicci parking 2 lot building. 3 Q Toward the bottom of that same paragraph, there is 4 a sentence that begins, "Finally, securing 5 appropriate sites for off-campus sports is 6 exceptionally difficult. Track, tennis, and 7 soccer programs all struggle to find appropriate 8 sites for off-season training, in-season practice, 9 and/or competition. Indoor practice facilities 10 during the winter months do not exist for these 11 sports or baseball. Multiple solutions both on 12 and off campus will be necessary to meet those 13 needs." Did I read that correctly? 14 A It's read correctly, yes. 15 Q The building that you were describing in the 16 DeRicci parking lot site, or the proposed 17 building, was that building meant to host track, 18 tennis, or soccer programs? 19 MR. INGRISANO: Objection. Form, 20 foundation, calls for speculation. 21 A We never got into the specifics of that. 22 Q Do you know whether Edgewood College ever 23 considered holding track practices on Edgewood 24 High School's track and field? 25 A I don't know.</p>	<p>1 Campus Plan - Future Building site plan"? 2 A Yes. 3 MR. INGRISANO: Objection. Form, 4 foundation. 5 Q Okay. Do you see on the diagram a blue square 6 marked with the number 1? 7 A Yes. 8 Q And what does it say on the right-hand side for 9 number 1? 10 A Future facility and structured parking. 11 Q Okay. And is that the 80,000 square foot 12 facility mentioned in the first numbered paragraph 13 on page 36? 14 MR. INGRISANO: Objection. Form 15 and foundation. 16 A Yes. 17 Q And is that the facility in the DeRicci parking 18 lot that you mentioned, the proposed facility? 19 MR. INGRISANO: Objection. Form, 20 foundation. 21 A Yes. 22 Q Okay. Looking at the diagram on page 39, Site 1, 23 does it appear to be adjacent to Edgewood High 24 School's track and field? 25 A Yes.</p>

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1 Q Okay. Turning to page 42, what is this section of
2 the master plan entitled?
3 A 3.4, Site One Diagrams and Agreements.
4 Q Okay. And do you see in the second sentence
5 in the following paragraph where it says,
6 "The facility to be constructed in the future is
7 proposed to have two levels of structured parking,
8 along with approximately 80,000 square foot of
9 program space"?
10 A I see that.
11 Q And you believe this is referring to the same
12 proposed building in the DeRicci parking lot?
13 MR. INGRISANO: Objection. Form,
14 foundation.
15 A Yes. In the first sentence it says Site 1.
16 Q Okay.
17 A I do see that.
18 Q And do you see the next sentence after the one I
19 just read where it says, "The proposed uses could
20 include an athletic and wellness facility"?
21 A Yes.
22 Q Do you have any understanding as to why the
23 sentence says "The proposed uses could include
24 an athletic and wellness facility" as opposed to
25 "The proposed uses are an athletic and wellness

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1 facility"?
2 MR. INGRISANO: Objection. Form.
3 Calls for speculation. Lack of foundation.
4 A I don't know.
5 Q Could you turn to page 47, please. Have you ever
6 reviewed this page before?
7 A No.
8 Q Okay. Were you aware that there were agreements
9 entered into between Edgewood College and the
10 neighborhood associations regarding the proposed
11 facility at Site 1?
12 A No.
13 Q Okay. You stated that you do recall discussions
14 of this facility and that they included
15 potentially athletic uses; is that correct?
16 A Yes.
17 Q What do you recall specifically about those
18 discussions?
19 A I recall the neighbors wanted to talk about a
20 screening that we would prepare now, a treeline
21 screening, so that the building would be less
22 visible to them.
23 I recall conversations about timing of the
24 lighting that would be in the building. But those
25 were the two things that I recall as it relates to

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1 this.
2 Q Do you recall it being an issue whether or not the
3 facility would be used as an athletic facility?
4 MR. INGRISANO: Objection. Form.
5 Vague.
6 A I don't recall.
7 Q And did you state that you recall there being
8 conversations about the timing of lighting at the
9 facility?
10 A Yes. But that is similar to any building that is
11 on the perimeter of our campus, concerns with
12 lighting.
13 Q So in the conversations you participated in, any
14 building near the perimeter of campus, there were
15 concerns about lighting?
16 A The only experience I have with it would be our
17 Stream building which we did work on lighting
18 with.
19 Q What specific concerns were expressed to you about
20 lighting of Site 1?
21 A I don't know what the specific concerns were. But
22 as the building and grounds person, it was when we
23 built the building, we worked with the lighting
24 contractor, Lutron, on how we would put in those
25 controls.

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1 Q Are you referring to The Stream or Site 1?
2 A The Stream. Site 1 is not --
3 Q You're referring to The Stream?
4 A The Stream.
5 Q Okay. And what lighting controls did you put in
6 place at The Stream?
7 A Lutron.
8 Q Lutron?
9 A Uh-huh.
10 Q Could you explain to me what Lutron is?
11 A It is just a lighting system that tells the lights
12 when to turn on and it tells them when to turn
13 off.
14 Q And do you recall conversations with the neighbors
15 or were you aware of conversations with the
16 neighbors that they want the lights turned off by
17 a certain time?
18 A I had heard that there were conversations about
19 that, yes.
20 Q Do you know what time the lights were scheduled to
21 turn off?
22 A No.
23 Q Did you ever receive complaints regarding how long
24 the lights were on at The Stream?
25 A No.

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<p>1 Q Do you recall anything specific about the 2 conversations surrounding the lighting at Site 1? 3 A No. 4 Q You stated that Site 1 was never built; is that 5 correct? 6 A Correct. 7 Q Do you know why it was never built? 8 A No. 9 Q Did you hear anything regarding why it was never 10 built? 11 A No. 12 Q Did you hear that it was not going to be built or 13 it just has not been built? 14 MR. INGRISANO: Objection. Form. 15 Vague. Go ahead. 16 A It has not been. 17 Q The conversations that you did participate in 18 regarding Site 1, would that have been through 19 the Neighborhood Liaison Committee or was that 20 internal conversations of Edgewood staff? 21 A Liaison. 22 Q And were those conversations before the master 23 plan was finalized? 24 MR. INGRISANO: Objection. Form. 25 Vague as to time.</p>	<p>1 Q Do you recall any conversations regarding sound or 2 noise at Site 1? 3 A No. 4 Q Do you recall any conversations regarding parking 5 or traffic related to Site 1? 6 A Not that I recall. 7 Q Do you recall any conversations regarding noise 8 impacts relating to any other proposed project by 9 Edgewood in the master plan? 10 MR. INGRISANO: Objection. Form. 11 Vague as to Edgewood. 12 A Can you repeat the question? 13 Q Yes. Do you recall any conversations at the 14 liaison committee meetings regarding noise impacts 15 with regard to any other proposed facility on the 16 Edgewood campus? 17 A No. Not that I recall. 18 Q Do you recall any conversations relating to lights 19 at sites other than Site 1 and The Stream? 20 A No. 21 Q Do you recall if neighbors were generally 22 supportive of Site 1 or whether they were opposed 23 to it? 24 MR. INGRISANO: Objection. Form. 25 Vague.</p>
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<p>1 A I don't recall. 2 Q Do you recall where those conversations took 3 place? 4 A The liaison committee? They took place on the 5 Edgewood College campus. 6 Q Do you recall any specific people who attended the 7 liaison committee meetings to express concerns 8 about the lights at Site 1? 9 A I would need to refresh the list of people who 10 attended the meeting. I would say the Woodrow 11 neighbors. There was Woodrow neighbors that would 12 have had the concerns with Site 1. 13 Q And when you say Woodrow neighbors, are those 14 neighbors who live on Woodrow Street? 15 A They were representatives on the liaison 16 committee. 17 Q Do you recall any other concerns about Site 1 that 18 were expressed besides lights? 19 A No. 20 Q Do you recall how many liaison committee meetings, 21 roughly, that you attended where Site 1 came up? 22 A I don't recall. 23 Q Do you believe it was more than one? 24 MR. INGRISANO: Objection. Form. 25 A I don't recall.</p>	<p>1 A I don't. 2 Q Since 2014 are you aware of the college pursuing 3 building an athletic facility at any other 4 locations off campus? 5 A Yes. 6 Q And what examples are you aware of? 7 A We partnered with MAYSA on a soccer field 8 development, and we have also had discussions 9 about a site in Fitchburg. 10 Q And is that soccer field development that you 11 mentioned, is that located at the Reddan Soccer 12 Complex? 13 A Yes. 14 Q And was that soccer field developed and completed? 15 A I believe so. 16 Q Do you know when that occurred? 17 A I don't recall. 18 Q Was it sometime after 2014? 19 MR. INGRISANO: Objection. Form, 20 foundation. 21 A I don't recall. 22 Q In your role as director of the facilities 23 operations department, do you have any 24 responsibility for maintenance at the Reddan 25 Soccer Complex field?</p>

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1 A We outside contract snow removal.
2 Q You mentioned that there has also been conversations
3 related to acquiring a site in Fitchburg?
4 A Yes.
5 Q And where would that site -- is there a proposed
6 site, proposed location for that site?
7 A I believe it is off Lacy and Seminole Road.
8 Q Do you know when those conversations began?
9 A I don't recall.
10 Q Do you know if they began sometime after 2014?
11 A I do not recall.
12 Q Are those conversations relating to a Fitchburg
13 facility still ongoing?
14 MR. INGRISANO: Objection. Form,
15 foundation.
16 A I believe so.
17 Q Have you been involved in those conversations?
18 A Very, very -- it's if I hear something about it.
19 I am not directly involved in these conversations.
20 Q Do you know whether Edgewood has acquired land at
21 the site at Lacy Road?
22 A I do not believe that they have officially
23 acquired land.
24 Q And when you say officially acquired land, are you
25 drawing a distinction? Have there been steps

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1 taken to acquire the land?
2 MR. INGRISANO: Objection.
3 Foundation.
4 A I am very removed from what is going on in
5 Fitchburg. I do know that it is still a
6 conversation that's on the table. Where it sits,
7 I do not know.
8 Q Do you know who Edgewood is having those
9 conversations with in regards to building that
10 site?
11 A I would ask our current president, Dr. Andrew
12 Manion.
13 Q Do you have any knowledge yourself?
14 A Can you restate the question?
15 Q Do you know what entities or people Edgewood
16 College is working with to build the facility?
17 A I do not know.
18 Q Do you know who currently owns the land?
19 A I do not know.
20 Q Do you know what types of athletic facilities are
21 being proposed at that site?
22 A I do not know.
23 Q Are you aware of whether there would be a soccer
24 field?
25 MR. INGRISANO: Objection. Form.

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1 A I don't know. I am very removed from these
2 conversations. That would be our athletic
3 director and our current president.
4 Q Okay. And who is your current athletic director?
5 A Al Brisack.
6 Q Did you have any conversations with Al Brisack
7 relating to the master plan?
8 A No.
9 Q Have you ever seen any renderings of the proposed
10 Fitchburg facility?
11 A Yes.
12 Q Do you recall anything that was in those
13 renderings?
14 A I believe that there have been many different
15 renderings. A field, some sort of -- the one
16 thing that I am aware of is that they were looking
17 to do like a wetland improvement if it were to go
18 through. I do not know. There have been -- I
19 don't know.
20 Q Do you know whether the wetland improvement is a
21 condition or requirement to build a facility?
22 A I do not know.
23 Q Do you know whether the high school has ever
24 spoken with the college about shared use of the
25 facility?

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1 A I do not know.
2 (Exhibit No. 117 marked for
3 identification)
4 Q While he's doing that, I'll have you turn to the
5 first diagram that you see.
6 Have you ever seen this rendering before?
7 A It could be one of the --
8 MR. INGRISANO: Objection. Form,
9 foundation as to this document, but go ahead.
10 A Possibly.
11 Q Does it look like the renderings that you've seen?
12 MR. INGRISANO: Objection. Form.
13 A Yes.
14 Q So you did recall specifically a wetland area.
15 Do you recall conversations or, you know,
16 conversations that you've had that Edgewood is
17 seeking to build a new track?
18 A No.
19 Q Do you recall anything about a soccer stadium?
20 A No.
21 MR. JEAN-LOUIS: We're done with
22 that one. Let's take a short break.
23 (Recess)
24 (Exhibit No. 118 marked for
25 identification)

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1 Q Do you see at the top of the page there is an
 2 email from Maggie Balistreri-Clarke, am I
 3 pronouncing that correctly?
 4 A Correct.
 5 Q To Michael Guns, and you are cced on that email.
 6 Do you see that?
 7 A Yes.
 8 Q If you go down to the bottom, which is the first
 9 email in this chain, it looks like Doug Hursh
 10 is -- well, take a moment to read it.
 11 A Okay.
 12 Q Do you know who Doug Hursh is?
 13 A Yes.
 14 Q And could you tell me what his relationship is to
 15 Edgewood College?
 16 A He is a principal at Potter Lawson, and we have
 17 been working with him for architectural needs
 18 since I've been at the college.
 19 Q And have you been working with him since you've
 20 been at the college personally?
 21 A Yes.
 22 Q What is your role as the director of the
 23 facilities operation department in helping
 24 Edgewood achieve, as you put it, its architectural
 25 needs?

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1 MR. INGRISANO: Objection. Form.
 2 Mischaracterizes. Go ahead.
 3 A If there is a building development or renovation,
 4 I work with Potter Lawson in that capacity.
 5 Q And what do you do when you work with Potter
 6 Lawson?
 7 A I meet with them. I share the college's needs
 8 with them. We work back and forth on designs.
 9 Q And would you say that's something that you
 10 regularly do when the campus needs to build or
 11 renovate a new building?
 12 A Yes.
 13 MR. INGRISANO: Objection. Form as
 14 to "regularly." Go ahead.
 15 Q So for any building that is in the master plan,
 16 or that was proposed in the master plan, would
 17 you have worked with Doug Hursh or another
 18 representative of Potter Lawson on the
 19 architecture of that building?
 20 A Yes.
 21 Q And would that be true of Site 1?
 22 MR. INGRISANO: Objection. Form.
 23 A Potter Lawson developed the master plan, so --
 24 I don't recall having specific conversations with
 25 Doug about Site 1.

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1 Q You don't recall one?
 2 A No.
 3 Q Do you recall having conversations with Doug about
 4 any other building or development that was
 5 proposed in the master plan?
 6 A Regina East. The Stream. Those were buildings
 7 that were built that we did work with them.
 8 Q Let's start with Regina East. What was the
 9 project at Regina East that you worked with
 10 Doug Hursh on?
 11 A To put an addition onto a residence hall.
 12 Q And do you recall when you first began working
 13 with Doug on that project?
 14 A I don't recall.
 15 Q Was the addition put on the residence hall?
 16 A Yes.
 17 Q Do you know when that addition was built?
 18 A 2017.
 19 Q 2017, is that when it was completed?
 20 A I believe so.
 21 Q Do you know when construction of that addition
 22 began?
 23 A Approximately a year before.
 24 Q Did you work at all on obtaining approval from a
 25 municipality or the state for the construction of

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1 that addition?
 2 A No.
 3 Q Do you recall any work with the Historical Society
 4 of Wisconsin, with the State Historical Society,
 5 relating to that addition?
 6 MR. INGRISANO: Objection. Form.
 7 A Yes.
 8 Q And you participated in that?
 9 MR. INGRISANO: Objection. Form.
 10 A I didn't necessarily participate directly in the
 11 conversations, but I participated in having an
 12 archaeologist on site while the work took place.
 13 Q And do you know why an archaeologist was brought
 14 on site?
 15 A The historical society asked that they be.
 16 Q Did the historical society have any role in the
 17 approval of the construction of the addition?
 18 A I don't know.
 19 MR. INGRISANO: Objection. Form.
 20 Calls for speculation, foundation.
 21 Q Do you recall when construction began on
 22 The Stream?
 23 A 2014.
 24 Q Do you recall when in 2014?
 25 A I do not.

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1 Q Do you recall when you began working with
 2 Doug Hursh on the Stream project?
 3 A Right about that time, I would say.
 4 Q Turning back to that email, the last paragraph on
 5 the email that's on the bottom, Doug seems to be
 6 asking Maggie and Michael Guns, he says, "How do
 7 you feel about us meeting with Susan to walk her
 8 through what we have done so far with potential
 9 future sites on campus? We could learn more from
 10 her about what some of the current needs are for
 11 space on campus." Do you see that?
 12 A Yes.
 13 Q Did you end up meeting with Doug to walk through
 14 what he had done so far?
 15 A I don't recall.
 16 Q Do you recall conversations with Doug sharing what
 17 some of the college's future needs on campus were?
 18 A Yes.
 19 Q And do you recall some of the needs that you
 20 discussed with him?
 21 A This has been a relationship that I've -- I mean,
 22 I can't recall a specific meeting that we
 23 discussed one certain thing. It has been -- we've
 24 talked about offices, we've talked about numerous,
 25 whether it was music related or... We've had

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1 several conversations over the years.
 2 Q And I don't need you to recall a specific
 3 conversation and specific meeting. But can you
 4 recall specific topics whenever they may have
 5 occurred?
 6 A Well, when we were building the residence hall,
 7 we talked about the need for additional beds on
 8 campus. If we designed a building, we'd talk
 9 about what the needs are at that time, whether
 10 it's offices or classrooms. It depended on what
 11 we were looking to do.
 12 Q Yes, and I'm looking for examples of things that
 13 you were looking to do, that you recall telling
 14 Doug this is something that we need on campus.
 15 A Okay.
 16 MR. INGRISANO: Objection. Form.
 17 Asked and answered.
 18 A For example, the Regina East, we needed additional
 19 beds, so we built a residence hall.
 20 We worked with them to develop space for our
 21 nursing program.
 22 We worked with them to develop a building
 23 that was dedicated to the arts & theater when we
 24 built The Stream.
 25 Q Okay.

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1 (Exhibit No. 119 marked for
 2 identification)
 3 Q Just take a moment to read to yourself the email
 4 on the bottom of the first page of the exhibit
 5 you've just been handed, Exhibit 119.
 6 A Completed.
 7 Q So you sent this email at the bottom on
 8 February 19, 2013; is that correct?
 9 A Yes.
 10 Q And who is the recipient, Judd Schemmel?
 11 A He was the president of the high school at the
 12 time.
 13 Q And Doug Hursh is cced?
 14 A He is.
 15 Q Okay. You state here, "Basically, Doug Hursh
 16 would like to verify the use of the spaces
 17 indicated by 1 and 2. Do games take place on this
 18 field? Is it solely for practice?"
 19 This email has an attachment. I will
 20 represent it's this page on the back. Do you
 21 recall seeing -- do you recall sending this email?
 22 A Yes.
 23 Q And do you recognize this diagram on the last page
 24 of this exhibit?
 25 A I do.

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1 Q Okay. Do you see the area that's marked with a 1?
 2 A Yes.
 3 Q Do you know, what part of the Edgewood campus is
 4 that 1 referring to?
 5 A That is the high school athletic field.
 6 Q Okay. And do you see handwriting written on top
 7 of that area?
 8 A Yes.
 9 Q Does it say -- it says, "HS," and then it says,
 10 "No night games." Do you see that?
 11 A I see it.
 12 Q Below that does it say "Practice field"?
 13 A Yes.
 14 Q And below that is it "Games question mark"?
 15 A Yes.
 16 MS. ZYLSTRA: Ask her if it's her
 17 handwriting.
 18 A It is not my handwriting.
 19 Q So you're telling Judd here that Doug Hursh would
 20 like to verify the use of the space. Was it Doug
 21 Hursh who asked you to verify how that space was
 22 used?
 23 A Yes.
 24 Q And in what context was that conversation with
 25 Doug Hursh?

<p style="text-align: right;">Page 41</p> <p>1 A We were developing a layout of green space on 2 campus. 3 Q And what was the purpose for developing the layout 4 of green space? 5 A It was part of the master plan at the time. 6 Q And you were involved in developing the layout of 7 green space for the master plan? 8 MR. INGRISANO: Objection. Form. 9 Vague as to "involved." Go ahead. 10 A I was asked to verify use of what was noted on the 11 green space document. 12 Q And is the reason -- Why are you asking Judd 13 Schemmel to verify the use of the space marked 14 with a 1? 15 A Because I was asked to by my supervisor. 16 Q Did you have personal knowledge of how that space 17 was used? 18 MR. INGRISANO: Objection. Form. 19 Vague as to time. 20 Q At the time of this email? 21 A Could you ask me the question again, please? 22 Q When you asked Judd if he could verify how these 23 spaces were used, did you know yourself how these 24 spaces were being used or were you asking Judd 25 because you didn't know?</p>	<p style="text-align: right;">Page 43</p> <p>1 the space is used as a home field for our varsity 2 lacrosse team. This space has been used to host a 3 middle school level track and field meet comprised 4 of Catholic feeder schools. We also use this 5 space in conjunction with the high school's summer 6 strength and conditioning programs." 7 Do you recall him sending that response? 8 A It's here. 9 Q But do you recall this interaction with Judd? 10 A No. I mean, that's been such a long time ago, 11 I don't specifically recall this. But seeing it, 12 yes. 13 MR. INGRISANO: I'm going to object 14 also to this Exhibit 119 in the fact that 15 it's been stapled together as if it goes 16 together. The Bates label numbers are not 17 sequential and there is no indication of an 18 attachment in any of the emails. 19 So to the extent that the questioning 20 to date has made it appear that these 21 documents go together, I would lodge that 22 foundation objection. 23 MR. JEAN-LOUIS: Okay. 24 Q Is it your understanding that you sent Judd Hursh 25 a diagram of the green space that was prepared</p>
<p style="text-align: right;">Page 42</p> <p>1 A I was asking him to verify. I knew from just 2 being on campus and driving in to see that there 3 was athletes practicing on the field. I didn't 4 know specifics of what occurred on the field. 5 Q So you were aware that there were practices on the 6 field? 7 A Yes. 8 Q Were you aware -- Before February 19 of 2013, 9 were you aware of any other uses of the field? 10 A I've worked there since 2011, so, yes, I would 11 have seen things taking place on the field. 12 Q Okay. You asked Doug, "Do games take place on 13 this field?" Or, sorry. You asked Judd? 14 A Judd, yeah. 15 Q Did you know when you asked Judd whether games 16 took place on the field? 17 A No. 18 Q Did you know whether the field was used solely for 19 practice? 20 A No. 21 Q Okay. In the email above, Judd responds to you, 22 and as to location number 1, he says, "In addition 23 to practices, games do take place on this athletic 24 field. We play lower level boys and girls soccer 25 as well as lower level football. Additionally,</p>	<p style="text-align: right;">Page 44</p> <p>1 by -- or, sorry, that you sent Judd Schemmel a 2 diagram of the green space that was prepared by -- 3 A I do not recall. 4 Q Okay. But you do recall seeing this diagram 5 before? 6 A This was in the master plan. Not this. Something 7 that looks like this was in the master plan. 8 Q In your email to Judd, at the bottom you say, 9 "I have attached a copy of the green space plan 10 prepared by Potter Lawson." Do you see that? 11 On the bottom of the first page. 12 A Where does it say "I have attached"? 13 Q Your email reads, "Good afternoon Judd. I have 14 attached" -- 15 A Oh, yes, yes. 16 Q -- "a copy." Do you see that? 17 A Yes. 18 Q And is this the copy of the green space plan that 19 you sent? 20 MR. INGRISANO: Objection. Form, 21 foundation. 22 A I don't recall. 23 Q When Judd responded to you, Doug Hursh is cced on 24 his response; is that correct? 25 A Yes.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q And Tami Holmquist as well?</p> <p>2 A Yes.</p> <p>3 Q Who is Tami Holmquist?</p> <p>4 A I believe she is -- She serves in some function</p> <p>5 of the business office for the high school.</p> <p>6 Q Okay. If you could turn back to Exhibit 52, which</p> <p>7 is the tall one. If you could go to page 62 at</p> <p>8 the top. Is this the open spaces diagram in the</p> <p>9 master plan that you referred to earlier?</p> <p>10 A Yes.</p> <p>11 Q And is the track and field again marked with a 1?</p> <p>12 A Yes.</p> <p>13 Q Okay. If you could turn back to page 60. Do</p> <p>14 you see here before the numbered paragraphs begin</p> <p>15 that last sentence says, "The following list</p> <p>16 accompanies the open spaces diagram and describes</p> <p>17 the current open spaces shown on that site plan"?</p> <p>18 A Can you tell me again where --</p> <p>19 Q Yes. The last sentence before the numbered</p> <p>20 paragraphs begin.</p> <p>21 A Yes.</p> <p>22 MR. INGRISANO: Page 60 how,</p> <p>23 Counsel?</p> <p>24 MR. JEAN-LOUIS: Page 60 on the</p> <p>25 top.</p>	<p style="text-align: right;">Page 47</p> <p>1 says, "Athletic field owned by Edgewood High</p> <p>2 School. Used for team practices, physical</p> <p>3 education classes." Do you see that?</p> <p>4 A Yes.</p> <p>5 Q Is there any discussion in that paragraph of games</p> <p>6 or athletic competitions?</p> <p>7 MR. INGRISANO: Objection. Form.</p> <p>8 A No.</p> <p>9 Q When you had emailed Judd with directions from</p> <p>10 your supervisor, as you had said, to verify the</p> <p>11 uses of the athletic field, you were verifying</p> <p>12 that the field was used only for team practices;</p> <p>13 is that correct?</p> <p>14 A No.</p> <p>15 MR. INGRISANO: Objection. Form.</p> <p>16 Mischaracterizes.</p> <p>17 A No.</p> <p>18 Q No? What were you verifying?</p> <p>19 A I was asking him to verify the purposes for the</p> <p>20 field.</p> <p>21 Q And the purposes, if you want to turn back to</p> <p>22 Exhibit 119, you asked him if this facility is</p> <p>23 used for games or if it's only a practice</p> <p>24 facility; correct?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 46</p> <p>1 MR. INGRISANO: Okay. Thank you.</p> <p>2 Q You testified before that you had reviewed drafts</p> <p>3 of the master plan?</p> <p>4 A Uh-huh. Yes.</p> <p>5 Q Okay. And when you received those drafts, did you</p> <p>6 correct any errors that you saw?</p> <p>7 A No. I was not -- I was not in the capacity to --</p> <p>8 I was brought in at the tail end of this being</p> <p>9 approved. If I was asked to verify something,</p> <p>10 then I would provide that information to Doug</p> <p>11 Hursh.</p> <p>12 Q So if you saw something in a draft and you weren't</p> <p>13 specifically asked to verify, but if you saw</p> <p>14 something in a draft that you knew was incorrect,</p> <p>15 you wouldn't tell anyone, is that what you're</p> <p>16 saying?</p> <p>17 MR. INGRISANO: Objection. Form.</p> <p>18 Incomplete hypothetical. Form, foundation.</p> <p>19 A No. I mean, that -- I was relatively new at</p> <p>20 the college, brought in at the tail end of this.</p> <p>21 I mean, this was a learning opportunity for me.</p> <p>22 If I saw something that was incorrect, I would,</p> <p>23 but I was so new at the time that I don't know.</p> <p>24 Q Okay. Do you see under the numbered paragraphs,</p> <p>25 under Open Spaces, the first numbered paragraph</p>	<p style="text-align: right;">Page 48</p> <p>1 Q And in his response he informed you that it is</p> <p>2 used for games?</p> <p>3 A Yes.</p> <p>4 Q So you learned from that interaction that the</p> <p>5 field is used for more than games?</p> <p>6 MR. INGRISANO: Objection. Form.</p> <p>7 Q It is used for more than practices?</p> <p>8 A Yes.</p> <p>9 Q Okay. So was it your understanding that -- You</p> <p>10 stated earlier that this was for the Open Spaces</p> <p>11 portion of the master plan; is that correct?</p> <p>12 A Correct.</p> <p>13 Q The verification?</p> <p>14 A Uh-huh. Yes.</p> <p>15 Q And it was your understanding that Doug Hursh</p> <p>16 wanted to know if the field was used for more than</p> <p>17 just team practices?</p> <p>18 A Yes.</p> <p>19 Q And if Exhibit 52 here on page 60 does not include</p> <p>20 games, does that look to you like it is a mistake?</p> <p>21 MR. INGRISANO: Objection. Form,</p> <p>22 foundation.</p> <p>23 A No. No. I can't tell you why it's not -- these</p> <p>24 two are not. I don't know.</p> <p>25 Q Based on your conversations with Doug Hursh and</p>

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1 with Judd Schemmel, would you have expected a
2 mention of athletic competitions or games in this
3 paragraph on page 60?
4 MR. INGRISANO: Objection to form
5 and foundation.
6 A I don't know.
7 Q Is it surprising to you that there is no mention
8 of the games?
9 MR. INGRISANO: Objection to form
10 and foundation.
11 A I have no reaction to that.
12 Q Okay. Are you aware of anyone who was working
13 on the draft of the master plan requesting that
14 language mentioning games be included in the
15 Open Space section?
16 A Not to my knowledge. I don't know.
17 Q Do you believe that in September of 2014 that the
18 athletic field was used only for team practices
19 and physical education classes?
20 MR. INGRISANO: Objection. Form,
21 foundation.
22 A I don't know.
23 Q While the master plan was being prepared and
24 before it was finalized, before September of 2014,
25 do you recall any conversations with the neighbors

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1 or any outside groups related to athletic events
2 on the Edgewood campuses besides at Site 1?
3 MR. INGRISANO: Objection. Form.
4 A Can you repeat the question?
5 Q Yes. In your role on the liaison committee or in
6 your role as the director of the facilities
7 operations department, before September of 2014 do
8 you recall any conversations with the neighbors,
9 with Edgewood's neighbors, regarding the use of
10 spaces on Edgewood's campus for athletic purposes
11 other than Site 1?
12 MR. INGRISANO: Objection. Form.
13 Mischaracterizes. Go ahead.
14 A I don't know.
15 Q You don't recall?
16 A I don't recall.
17 Q Are you aware that Edgewood High School renovated
18 its athletic field in 2015?
19 A Yes.
20 Q When did you first become aware that they intended
21 to renovate the field?
22 A Around that time.
23 Q Do you recall how you learned?
24 A I don't recall how I learned about it. I remember
25 a conversation that we had about how it might

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1 affect -- we have a retainage pond on campus for
2 water flow. So I do recall being part of a
3 conversation that we discussed how it might affect
4 rainwater on campus.
5 Q Do you recall when that conversation was?
6 A No.
7 MS. ZYLSTRA: Wait. Do these have
8 Bates?
9 (Recess)
10 (Exhibit No. 120 marked for
11 identification)
12 Q So you see on the first page of this, it looks
13 like a meeting invitation for a Neighborhood
14 Liaison Committee meeting that was sent by Maggie.
15 Do you see that?
16 A Uh-huh.
17 MR. INGRISANO: Objection.
18 Foundation to this document.
19 COURT REPORTER: Is that a yes?
20 A Yes.
21 Q And if you look, it's a very long line of required
22 attendees, but if you look to the second-to-last
23 line of required attendees there is a Susan
24 Serrault. Is that you?
25 A Yes.

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1 Q When did you -- how long -- when did you go by
2 Susan Serrault? How long did you go by Susan
3 Serrault?
4 A Until 2018.
5 Q Okay. Have you gone by any other names besides
6 Susan Serrault or Susan VanderSanden?
7 A Susan Leonard was my maiden name.
8 Q So do you see at the bottom of the heading for
9 this invite there is an attachment? It says,
10 "2015-4-14 Neighborhood Liaison Committee Meeting
11 Minutes DRAFT.docx."
12 A Yes.
13 Q And if you flip over to the next page, do you see
14 the paragraph numbered 3?
15 A Yes.
16 Q And it says, "Review of landscaping update for
17 Site 1 from Susan Serrault." Do you recall
18 presenting an update on landscaping at Site 1
19 around April 14 of 2015?
20 MR. INGRISANO: Objection. Form,
21 foundation. She's not listed as being
22 present at this meeting. So I'm going to
23 also object and just have a standing
24 objection on foundation on this document.
25 A Can you say the question again?

<p style="text-align: right;">Page 53</p> <p>1 Q Yes. Could you read to yourself the paragraph 3. 2 A Okay. 3 Q And I believe you testified earlier today, and 4 correct me if I'm recalling your testimony 5 incorrectly, that you did share information and 6 were involved with landscaping at Site 1; is that 7 correct? 8 A Correct. 9 Q Do you recall sharing this update at a 10 Neighborhood Liaison Committee meeting? 11 MR. INGRISANO: Objection. Form. 12 A I don't recall it like it was yesterday, but I do 13 recall having conversations about arborvitae and 14 the salt use on Woodrow Street. 15 Q Okay. Do you believe that you were at this 16 meeting? 17 MR. INGRISANO: Objection. Form, 18 foundation. 19 A I don't recall. But quite likely. 20 Q Do you recall being at a meeting where there 21 was -- around April 14 of 2015 where there was an 22 update given on the high school construction, 23 where there was discussion on that? If you look 24 at item 5, you see the last two bullets under 25 item 5?</p>	<p style="text-align: right;">Page 55</p> <p>1 A Yes. 2 Q And do you recall when she retired? 3 A I do not. 4 Q After she retired, did you replace Maggie as the 5 primary college representative for the liaison 6 committee? 7 MR. INGRISANO: Objection. Form. 8 Vague as to "primary." Go ahead. 9 A The roles that I took over would have been 10 organizing and calling the meetings and taking 11 notes. 12 Q And do you recall when you began filling that 13 role? 14 A Again, I would suggest somewhere around 2014, 15 to begin attending, and then, again, it was 16 basically when Maggie retired that I took over. 17 Seeing that she's still calling the meetings in 18 2015, I would guess somewhere around 2016. 19 Q Do you recall Neighborhood Liaison Committee 20 meetings that you attended relating to the 21 renovation of Edgewood's track? 22 A Yes. 23 Q And did you present information at any of those 24 meetings? 25 A No.</p>
<p style="text-align: right;">Page 54</p> <p>1 A Yes. 2 Q Do you recall being at a Neighborhood Liaison 3 Committee meeting where the neighbors were told 4 that there was not going to be any additional 5 lighting or seating as part of the high school 6 football field construction? 7 MR. INGRISANO: Objection. Form, 8 foundation. 9 A I don't recall it, but -- it was a long time ago. 10 I don't recall. 11 Q Do you recall when you joined the Neighborhood 12 Liaison Committee? 13 A I would guess 2014, began attending. 14 Q Began attending in 2014. Would that have been -- 15 Do you know if that would have been toward the 16 beginning of 2014 or toward the later half of 17 2014? 18 A I would guess toward the beginning. Again, this 19 is -- I don't recall. 20 Q You mentioned earlier this morning that when you 21 joined, it was in part because a member of the 22 liaison committee was going to be retiring; is 23 that correct? 24 A Correct. 25 Q And is that Maggie Balistreri-Clarke?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q Whom do you recall, if you do recall, presenting 2 information about the renovation at those 3 meetings? 4 A I don't recall. I would say Judd Schemmel, 5 Michael Elliott, and then on one occasion, in 6 preparing the meeting agenda, I believe Rettler 7 presented. 8 Q Do you recall from when this was first -- the 9 first time that this was discussed at a meeting 10 that you were in attendance of, do you recall the 11 scope of the proposed renovation changing from the 12 first time you heard it discussed to a later 13 point? 14 MR. INGRISANO: Objection. Form, 15 vague. 16 A I don't recall. 17 Q At the first meeting that you attended where the 18 track renovation was discussed, do you recall 19 whether that renovation included plans for new 20 bleachers? 21 A I do not recall. 22 Q Do you recall whether it included plans for 23 lighting? 24 A I do not recall. 25 Q Do you recall whether the renovated field was to</p>

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1 be used for athletic contests or games?
 2 A I do not recall.
 3 Q Since you began -- After you began serving on the
 4 Neighborhood Liaison Committee meetings, did you
 5 communicate at all with a company called
 6 Vandewalle & Associates?
 7 A Vandewalle. I'm trying to -- no. They're an
 8 architectural firm, from what I understand.
 9 I do not recall working with Vandewalle. I do
 10 not recall working with Vandewalle.
 11 Q Do you recall working with Brian Munson?
 12 A Yes. That name rings a bell, yes.
 13 Q Okay. What do you recall working with Brian
 14 Munson on?
 15 A Can you give -- This is so long ago. If you can
 16 give me a tickler, it may strike something, but I
 17 do not recall what I would have worked with him
 18 on.
 19 Q Did you ever work with Brian Munson on anything
 20 relating to the renovation of the high school
 21 track?
 22 MR. INGRISANO: Objection. Form.
 23 Vague as to "work."
 24 A Not that I recall.
 25 Q Not that you recall. In all the times that you

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1 worked with Doug Hursh at Potter Lawson, do you
 2 recall ever working with Doug Hursh on a project
 3 for the high school?
 4 A No.
 5 Q At any of the Neighborhood Liaison Committee
 6 meetings that you attended, do you recall
 7 conversations about lighting on campus spilling
 8 into housing in the neighborhood?
 9 MR. INGRISANO: Objection. Form.
 10 A Can you repeat the question?
 11 Q Yes. At any of the Neighborhood Liaison Committee
 12 meetings that you attended, do you recall
 13 conversations with the neighbors where the
 14 neighbors were expressing concerns or making
 15 complaints about light from the Edgewood campus
 16 spilling into their houses?
 17 A I discussed it earlier. The Stream.
 18 Q And that was in the context of the Neighborhood
 19 Liaison Committee?
 20 A Yes.
 21 Q And did that come up often, the issue of light
 22 spilling into houses?
 23 A I recall it with that, and then, you know, they
 24 would talk about having shields put on Edgewood
 25 College buildings that they felt were putting

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1 unnecessary light into the neighborhood. We value
 2 security on campus too, so there was an ongoing
 3 discussion.
 4 Q You had mentioned a partnership for the Reddan
 5 soccer fields with, I believe you called it,
 6 MAYSA?
 7 A Uh-huh.
 8 Q MAYSA and Edgewood College developed a soccer
 9 field; is that correct?
 10 A Yes.
 11 Q Do you know who owns the soccer field?
 12 A I do not.
 13 Q Do you know whether Edgewood pays MAYSA money to
 14 use the field?
 15 A I do not.
 16 Q Do you know whether any entity other than Edgewood
 17 College uses that field?
 18 A I do not.
 19 Q Were you part of any conversations relating to
 20 the drafting of the conditional -- of the
 21 Campus-Institutional District ordinance?
 22 MR. INGRISANO: Objection. Form.
 23 A No.
 24 Q Have you ever attended any hearings before the
 25 Plan Commission on behalf of Edgewood College?

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1 A I can't recall if it was the planning commission,
 2 but I recently, within the last several years,
 3 attended a meeting as it relates to signage on the
 4 Edgewood College campus.
 5 Q And what was the issue specifically relating to
 6 signage that the meeting was about?
 7 A It was putting in some directional and building
 8 identifying signage on campus, that the plan had
 9 to be approved through the city.
 10 Q Edgewood College was seeking city approval for
 11 their signage plan; is that correct?
 12 A Correct.
 13 Q Do you know whether Edgewood College, whether that
 14 plan was approved?
 15 A It was.
 16 Q Did you ever have any meetings in your capacity of
 17 working with Edgewood College with the Goodman
 18 Foundation?
 19 A No.
 20 MR. JEAN-LOUIS: Okay. I think
 21 we're just about done. We'll take one more
 22 two-minute break to make sure I didn't miss
 23 anything.
 24 (Recess)
 25 Q Just a couple more for you.

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1 A Okay.
 2 Q While you were serving on the Neighborhood Liaison
 3 Committee, were you involved with any effort by
 4 Edgewood High School or any of the other Edgewood
 5 campus institutions to amend the master plan?
 6 A I don't -- I don't recall. I mean, I have --
 7 you know, I had seen various versions of this
 8 coming through, but I don't know when official
 9 amendments, like I don't know specifics on that.
 10 Q Do you recall any discussion as to the renovation
 11 of the athletic field, whether that would be
 12 pursued through an amendment to the master plan?
 13 MR. INGRISANO: Objection. Form.
 14 Go ahead.
 15 A I recall conversations about it, but I don't know
 16 what -- if it was an amendment or how that would
 17 have been addressed.
 18 Q Are you aware that Edgewood High School filed an
 19 amendment to -- filed a request to amend their
 20 master plan?
 21 A I do not recall.
 22 Q Do you recall any specific steps that Edgewood
 23 High School took to have the renovation of the
 24 track and field approved by the city?
 25 MR. INGRISANO: Objection. Form.

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1 Foundation. Calls for speculation.
 2 A Can you give me an example of what that would be?
 3 Q Do you recall Edgewood High School filing any
 4 applications for a permit relating to the
 5 renovation?
 6 MR. INGRISANO: Objection. Calls
 7 for speculation. Form. Foundation.
 8 A I don't recall.
 9 Q Do you recall conversations about wanting to add
 10 lights, stadium lights, to the athletic field?
 11 A I do.
 12 MR. INGRISANO: Objection. Form.
 13 Vague as to time.
 14 Q While you were serving on the liaison committee?
 15 A Yes.
 16 Q And do you know whether the high school ever built
 17 stadium lights at that location?
 18 A To my knowledge, they have not.
 19 Q And do you know why they have not?
 20 A I do not know.
 21 Q Do you know whether they've ever filed any permit
 22 application to get lights at that location?
 23 A I do not know.
 24 Q Have you ever had any meetings or conversations
 25 with Matthew Tucker?

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1 A Yes.
 2 Q What were those conversations about, if you
 3 remember?
 4 A I believe Matt Tucker was part of the approval for
 5 the campus signage that we did, and I believe that
 6 I have talked with Matt Tucker about the college's
 7 Park and Pleasure Drive.
 8 Q Anything else?
 9 A No.
 10 Q You had no conversations with Matt Tucker relating
 11 to the renovation of Edgewood's track and field?
 12 A No.
 13 Q Okay. Did you have any conversations with
 14 George Hank?
 15 A No. Not that I recall.
 16 Q Did you have any conversations with Tim Parks?
 17 A Yes.
 18 Q What were those conversations about?
 19 A I'm going to -- Tim Parks and Matt Tucker, I can't
 20 tell you specifically what I have discussed with
 21 them, but I know that one of them has been present
 22 at a liaison meeting at one time.
 23 Q Do you remember what they discussed at that
 24 liaison meeting?
 25 A I do not.

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1 Q At the liaison committee meetings that lights --
 2 You do recall lights being added to the track and
 3 field being a topic at the liaison committee
 4 meetings?
 5 MR. INGRISANO: Objection. Form.
 6 A Yes.
 7 Q Do you remember who would have attended those
 8 meetings other than the members of the liaison
 9 committee?
 10 MR. INGRISANO: Objection. Form.
 11 A I do not recall.
 12 Q Do you remember whether the members of the liaison
 13 committee generally supported the addition of
 14 stadium lights to the field?
 15 MR. INGRISANO: Objection. Form.
 16 Vague as to time. Vague as to "generally."
 17 A They shared concerns, but I don't feel right
 18 speaking on their behalf. I don't --
 19 Q What concerns did they share?
 20 A They shared concerns about lights, traffic.
 21 Q What concerns did they share about lights?
 22 A They shared concerns that it would spill into
 23 their homes.
 24 Q And what concerns did they share about traffic?
 25 A How it would affect their ability to access their

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1 properties and what you would normally expect from
 2 traffic concerns.
 3 Q Did they share parking concerns?
 4 A Yes.
 5 MR. JEAN-LOUIS: Okay. I think
 6 that's --
 7 (Discussion held off record)
 8 Q Do you remember roughly when you heard concerns
 9 relating to the lighting, the stadium lights for
 10 the athletic field?
 11 A I do not know.
 12 Q Do you remember what year?
 13 A No.
 14 Q Do you remember if it was after 2014 or before
 15 2014?
 16 MR. INGRISANO: Objection. Form.
 17 Asked and answered.
 18 A I don't recall.
 19 MR. JEAN-LOUIS: Okay. That's
 20 everything.
 21 MR. INGRISANO: Just a couple
 22 questions, Ms. VanderSanden.
 23 THE WITNESS: Yes.
 24
 25

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1 EXAMINATION
 2 By Mr. Ingrisano:
 3 Q You're an employee of Edgewood College?
 4 A Yes.
 5 Q You're not an employee of Edgewood High School?
 6 A No.
 7 Q Do you have any job responsibilities that involve
 8 Edgewood High School?
 9 A No.
 10 Q Has anyone at Edgewood High School ever authorized
 11 you to speak on Edgewood High School's behalf?
 12 A No.
 13 Q You mentioned before in talking with counsel that
 14 you worked with Doug Hursh on some architecture
 15 issues facing Edgewood College; correct?
 16 A Correct.
 17 Q What were the kinds of issues that you were
 18 addressing with Mr. Hursh on that architectural
 19 work?
 20 A As far as --
 21 Q What were the types of topics that you were
 22 working with Mr. Hursh on with respect to a
 23 particular architecture project?
 24 A Everything, from, you know, how the buildings were
 25 built, to the HVAC system, to room layout.

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1 Everything, you know, from building to ground.
 2 Q With respect to project development and
 3 construction on the campus, did you have any job
 4 responsibilities or do you have any job
 5 responsibilities regarding long-term planning for
 6 Edgewood College?
 7 A No.
 8 Q Do you have any responsibility for the development
 9 of property off campus?
 10 A No.
 11 Q With respect to the Lacy Road property that was
 12 discussed with counsel, have you had any dealings
 13 with anyone externally from outside of Edgewood
 14 College about a possible field at Lacy Road?
 15 A I met with the neighbors once, and that was to
 16 discuss Edgewood College's sustainability mindset
 17 that we bring with us.
 18 Q Any other knowledge about this project? Have you
 19 learned about it from any other source other than
 20 internally from other people at Edgewood College?
 21 A No.
 22 Q With respect to Exhibit 119, in taking a look,
 23 comparing it to Exhibit 52, looking at the
 24 Open Space plan.
 25 A Page 52?

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1 Q Exhibit 52. Let me see if I can find the
 2 Open Space point. It's at 3.8.
 3 MR. JEAN-LOUIS: Do you want the
 4 diagram or the --
 5 MR. INGRISANO: Do you have the
 6 page number, Counsel, for the narrative?
 7 MR. JEAN-LOUIS: The narrative is
 8 page 60.
 9 MR. INGRISANO: There we go. Thank
 10 you.
 11 THE WITNESS: I have it.
 12 Q And looking at Exhibit 119 and comparing it to
 13 page 60 of Exhibit 52, do you have any knowledge
 14 as to why the descriptions of the use of the
 15 athletic field differs between Exhibit 119 and
 16 Exhibit 52?
 17 A I do not.
 18 Q You advised that you had reviewed the master plan
 19 when you first were hired at Edgewood College; is
 20 that correct?
 21 A Correct.
 22 Q Were you tasked with any particular purpose for
 23 reviewing the master plan by any of your superiors?
 24 A No.
 25 Q Why did you review the master plan?

<p style="text-align: right;">Page 69</p> <p>1 A I reviewed it to get acclimated with it, because</p> <p>2 if I was going to have the role on the liaison</p> <p>3 committee, I felt I needed to be familiarized with</p> <p>4 it. Changes to the document were out of my</p> <p>5 wheelhouse.</p> <p>6 Q Did anyone ever ask you to review the master plan</p> <p>7 for the purpose of checking its accuracy?</p> <p>8 A No.</p> <p>9 Q With respect to Exhibit 120, on the second page,</p> <p>10 on this document it notes those present. Are you</p> <p>11 listed on this page 2 of Exhibit 120?</p> <p>12 A I am not.</p> <p>13 Q Okay. In your experience working on the liaison</p> <p>14 committee, did the notes generally correctly</p> <p>15 reflect when you were present or absent from a</p> <p>16 particular meeting?</p> <p>17 A They did.</p> <p>18 Q In going through the first page of Exhibit 120,</p> <p>19 looking at the required attendees, can you</p> <p>20 identify for me all the people that you know and</p> <p>21 understand to have been employed by Edgewood</p> <p>22 College?</p> <p>23 A Yes. Maggie Balistreri-Clarke, Cristie Jacobs,</p> <p>24 Erin Bykowski, Melissa Mael, Michael Guns,</p> <p>25 Michael Metcalf, Susan Serrault, and that would</p>	<p style="text-align: right;">Page 71</p> <p>1 document, I would request the immediate</p> <p>2 production of those documents.</p> <p>3 This was encapsulated within the scope</p> <p>4 of our prior discovery requests and should</p> <p>5 have been produced. And we continue to lay</p> <p>6 objection to the foundation of that document</p> <p>7 at this point in time.</p> <p>8 MS. ZYLSTRA: Okay. Counsel, I</p> <p>9 will just -- because we're taking a record,</p> <p>10 I'll respond.</p> <p>11 First of all, this is not a city</p> <p>12 document. There is no city employee at all</p> <p>13 on this, so that this is not a document that</p> <p>14 was in the possession, custody, or control of</p> <p>15 the city in any way, shape, or form. In</p> <p>16 fact, this is -- given the number of people</p> <p>17 that are all Edgewood and Edgewood High</p> <p>18 School related, I actually believe this</p> <p>19 should have been produced by Edgewood.</p> <p>20 Separate from that, you know, with</p> <p>21 respect to my communications with third-party</p> <p>22 witnesses, I certainly think, to the extent</p> <p>23 that they provide me a document, it is work</p> <p>24 product up until the time that I decide that</p> <p>25 it's not.</p>
<p style="text-align: right;">Page 70</p> <p>1 be Edgewood College employees.</p> <p>2 Q In looking at page 2 of Exhibit 120, in</p> <p>3 identifying the people that are present at that</p> <p>4 meeting as listed on this document, do you</p> <p>5 recognize any of those individuals as being</p> <p>6 representatives of Edgewood High School?</p> <p>7 A No.</p> <p>8 Q In dealing with Maggie Balistreri-Clarke, are you</p> <p>9 ever aware of Edgewood High School giving her</p> <p>10 authority to speak on the high school's behalf?</p> <p>11 A No.</p> <p>12 MR. INGRISANO: Subject to a brief</p> <p>13 record I want to make after we're done with</p> <p>14 questioning, I do not -- that's all I've got.</p> <p>15 MR. JEAN-LOUIS: Nothing more from</p> <p>16 me.</p> <p>17 MR. INGRISANO: So, Counsel,</p> <p>18 Exhibit 120, I'm surprised to receive this</p> <p>19 document. A version of Exhibit 120,</p> <p>20 particularly the notes, were attached as an</p> <p>21 exhibit to a declaration you submitted on</p> <p>22 summary judgment from Ms. Shawn Schey.</p> <p>23 This appears to be an electronic version</p> <p>24 of a document. If you have the electronic</p> <p>25 native version of this email and this</p>	<p style="text-align: right;">Page 72</p> <p>1 With respect to this document, to be</p> <p>2 truthful, I had thought it had already been</p> <p>3 produced. The notes obviously had been</p> <p>4 produced as the attached exhibit. I didn't</p> <p>5 realize that the cover sheet had not been</p> <p>6 until we sat here and I realized that it</p> <p>7 hadn't been. I would have provided the cover</p> <p>8 sheet to you prior to this. It's just, like</p> <p>9 I said, I thought it had been produced as the</p> <p>10 cover sheet plus the notes.</p> <p>11 As you had noted, the notes were</p> <p>12 produced, and really --</p> <p>13 MR. INGRISANO: The notes were</p> <p>14 attached to an affidavit.</p> <p>15 MS. ZYLSTRA: Correct.</p> <p>16 MR. INGRISANO: That is different</p> <p>17 than saying that they were produced.</p> <p>18 MS. ZYLSTRA: Fair enough. But at</p> <p>19 least in terms of the content of the minutes</p> <p>20 that were being discussed here today, this is</p> <p>21 something that you've had since summary</p> <p>22 judgment. So with respect to that --</p> <p>23 MR. INGRISANO: But do you have a</p> <p>24 native version of this document, Counsel?</p> <p>25 MS. ZYLSTRA: I do not believe we</p>

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1 do. I believe this is a pdf, and so I don't
 2 believe that there is any ability to give you
 3 anything other than a flat pdf with respect
 4 to this document.

5 It's an objection. We'll deal with it
 6 obviously when it comes to trial and trial
 7 exhibits.

8 Counsel, are we done?

9 MR. INGRISANO: Yes.

10 MS. ZYLSTRA: Okay. Thank you.
 11 (Adjourning at 11:09 a.m.)
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1 STATE OF WISCONSIN }
 2 COUNTY OF DANE } ss.
 3

4 I, Peggy S. Christensen, Registered Professional
 5 Reporter and Notary Public in and for the State of
 6 Wisconsin, do hereby certify that the foregoing
 7 deposition of SUSAN L. VANDERSANDEN was taken before
 8 me on August 17, 2022, and reduced to writing by me,
 9 a professional court reporter and disinterested
 10 person, approved by all parties in interest and
 11 thereafter converted to typewriting using
 12 computer-aided transcription.

13 I further certify that I am not related to nor
 14 an employee of counsel or any of the parties to the
 15 action, nor am I in any way financially interested in
 16 the outcome of this case.

17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 and affixed my notarial seal of office at Madison,
 19 Wisconsin, this 19th day of August 2022.
 20
 21

22 _____
 23 Notary Public, State of Wisconsin
 My Commission Expires August 7, 2024
 24 Digitally signed by Sara
 Joyce Faul
 25 Date: 2022.08.19
 11:48:24 -05'00'

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